

## **SUBCHAPTER D : OPERATIONS REQUIRING A PERMIT**

### **§332.41. Definition, Requirements, and Application Processing for a Permit Facility.**

(a) Definition of permitted facilities. The following operations are subject to the requirements of this subchapter.

(1) Operations that compost mixed municipal solid waste not in accordance with §332.31 of this title (relating to Definition of and Requirements for Registered Facilities).

(2) Operations that add any amount of mixed municipal solid waste as a feedstock in the composting process.

(b) Requirements for permitted facilities. The operations listed in subsection (a) of this section are subject to the general requirements found in §332.4 of this title (relating to General Requirements), and the requirements set forth in this subchapter, the requirements set forth in Subchapters E, F, and G of this title (relating to Source-Separated Recycling; and Household Hazardous Waste Collection; and End-Product Standards), and the air quality requirements set forth in §332.8 of this title (relating to Air Quality Requirements).

(c) Processing of Application for Permit Facility.

(1) Public Notice.

(A) When an application is administratively complete the chief clerk shall mail notice to adjacent landowners, residents, and businesses. The chief clerk also shall mail notice to other affected landowners, residents, and businesses, as directed by the executive director.

(B) When an application is technically complete the chief clerk shall mail notice to adjacent landowners, residents, and businesses. The chief clerk shall also mail notice to other affected landowners, residents, and businesses, as directed by the executive director. The applicant shall publish notice in the county in which the facility is located, and in adjacent counties. The published notice shall be published once a week for three weeks, with the first publication occurring no earlier than 30 days before any hearing. The applicant should attempt to obtain publication in a Sunday edition of a newspaper. The notice shall explain the method for submitting a request for hearing or a protest.

(C) Notice issued under subparagraphs (A) or (B) shall contain the following information:

- (i) the identifying number given the application by the executive director;
- (ii) the type of registration sought under the application;
- (iii) the name and address of the applicant(s);
- (iv) the date on which the application was submitted; and

(v) a brief summary of the information included in the application.

(2) Other chapters. A facility must obtain a permit from the commission pursuant to Chapters 305 of this title (relating to Consolidated Permits) and 281 of this title (relating to Application Processing). A permit may be issued under Chapter 263, Subchapter A (relating to Final Approval by the Executive Director). The public notice requirements of Chapters 305, 281, and 263 apply to the extent consistent with this subchapter.

Adopted November 1, 1995

Effective November 29, 1995

**§332.42. Certification by Engineer, Ownership or Control of Land, and Inspection.**

(a) Certification by registered professional engineer. The operator shall obtain certification by a Texas-Registered Professional Engineer that the facility has been constructed as designed and in general compliance with the regulations prior to accepting any feedstock at the facility that requires a permit and maintaining that certification on-site available for inspection by the commission; and

(b) Ownership or control of property. The facility shall be located on property owned by the operator or the operator shall establish, using an affidavit form provided by the commission, signed by the owner and notarized, that the owner is aware of and consents to the operation prior to any receipt of feedstock or processing activities. A copy of the affidavit shall be kept on-site at all times.

(c) Inspection of facility. Prior to the initial acceptance of any feedstocks, the facility shall be inspected by the TNRCC to determine compliance with the permit.

Adopted November 1, 1995

Effective November 29, 1995

**§332.43. Required Forms, Applications, and Reports.**

The operator shall submit all of the following:

(1) TNRCC Compost Form Number 2. The operator shall submit TNRCC Compost Form Number 2, "Notice of Intent to Apply for a Compost Facility Registration or Permit," and a permit application prepared in accordance with the requirements of §332.47 of this title (relating to Permit Application Preparation).

(2) Annual report. The operator shall submit annual written reports using TNRCC Form Number 3, "Annual Report Form for Composting Facilities Requiring Registration or Permit," available from the commission. These reports shall at a minimum include input and output quantities, a description of the end-product distribution, and all results of any required laboratory testing. A copy of the annual report shall be kept on-site for a period of five years.

(3) Final product testing report. Facilities requiring registration must submit reports on final product testing to the executive director in compliance with §332.71(j)(1) of this title (relating to Sampling and Analysis Requirements for Final Product) on a monthly basis.

(4) Engineer's appointment. An engineer's appointment which consists of a letter from the applicant to the Executive Director identifying the engineer responsible for the submission of the plan, specifications and any other technical data to be evaluated by the commission regarding the project.

Adopted November 1, 1995

Effective November 29, 1995

**§332.44. Location Standards.**

Facilities shall meet all of the following locational criteria:

(1) One-hundred year floodplain. The facility shall be located outside of the one hundred-year floodplain unless the applicant can demonstrate that the facility is designed and will operate to prevent washout during a 100-year storm event, or obtains a Conditional Letter of Map Amendment (CLOMA) from the Federal Emergency Management Administration (FEMA) Administrator.

(2) Drainage. The facility shall not significantly alter existing drainage patterns.

(3) Wetlands. The facility shall not be located in wetlands.

(4) Water wells. The facility shall be located at least 500 feet from all public water wells and at least 150 feet from private water wells.

(5) Surface water. The facility shall be located at least 100 feet from creeks, rivers, intermittent streams, lakes, bayous, bays, estuaries, or other surface waters in the state.

(6) Set back distance from facility boundary. The set back distance from the facility boundary to the areas for receiving, processing, or storing feedstock or final product shall be at least 50 feet.

(7) Edwards Aquifer Recharge Zone. If located over the Recharge Zone of the Edwards Aquifer, a facility is subject to Chapter 313 of this title (relating to Edwards Aquifer). The Edwards Aquifer Recharge Zone is specifically that area delineated on maps in the office of the executive director.

Adopted November 1, 1995

Effective November 29, 1995

**§332.45. Operational Requirements.**

The operation of the facility shall comply with all of the following operational requirements:

(1) Protection of surface water. The facility shall be constructed, maintained and operated to manage run-on and run-off during a 25-year, 24-hour rainfall event and shall prevent discharge into waters in the state of feedstock material, including but not limited to, in-process and/or processed materials. Any waters coming into contact with feedstock, in-process, and processed materials shall be considered leachate. Leachate shall be contained in retention facilities until it is reapplied on piles of feedstock, in-process, or unprocessed materials, or it is disposed or treated. The retention facilities shall be lined and the liner shall be constructed in compliance with §332.47(6)(C) of this title (relating to Permit Application Preparation).

Leachate may be treated and processed at an authorized facility or as authorized by an NODES permit. The use of leachate in any processing shall be conducted in a manner that does not contaminate the final product.

(2) Protection of groundwater. The facility shall be constructed, maintained and operated to protect groundwater. As a minimum, groundwater protection shall be in accordance with the provisions of §332.47(6)(C) of this title.

(3) Unauthorized and prohibited materials. Delivery of unauthorized or prohibited materials shall be prevented. As a minimum there shall be one employee on-site at all times inspecting each delivery of feedstock to insure there is no unauthorized or prohibited material incorporated into the feed-stock.

(4) Access. Access to the facility shall be controlled to prevent unauthorized disposal of unauthorized and prohibited materials, and scavenging. The facility shall be completely fenced with a gate that is locked when the facility is closed.

(5) Nuisance conditions. The facility shall be sited and operated in such a manner as to prevent the potential of nuisance conditions and fire hazards. Where nuisance conditions or fire hazards exist, the operator will immediately take action to abate such nuisances.

(6) Aerobic composting required. The facility shall utilize functionally aerobic composting methods, although an anaerobic composting phase may be utilized in the early stages of processing, if it is followed by a period of functionally aerobic composting.

(7) Site sign. The facility shall have a sign at the entrance indicating the type of facility, the permit number, hours of operation and the allowable feedstocks.

(8) Access road. The facility access road shall be an all-weather road.

(9) Amendment required for significant changes. The operator shall submit and obtain a permit amendment from the commission in compliance with Chapter 305 of this title (relating to Consolidated Permits) before changing the processing method or other significant changes to the original permit application.

(10) Prohibited substances. Fungicides, herbicides, insecticides or other pesticides that contain constituents listed in 40 CFR Part 261, Appendix VIII - Hazardous Constituents or on the Hazardous Substance List as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) shall not be applied to or incorporated into feedstocks, in-process materials or processed materials.

(11) End-product standards. The operator shall meet compost testing requirements set forth in §332.71 of this title (relating to Sampling and Analysis Requirements for Final Product), final product grades set forth in §332.72 of this title (relating to Final Product Grades), and label all materials which are sold or distributed as set forth in §332.74 of this title (relating to Final Product Labelling Requirements).

(12) Certified compost operator. The operator shall employ at least one TNRCC-certified compost operator within six months from the adoption of this title, or the initiation of operations at the

facility, or the establishment of the compost certification program which ever occurs later and a TNRCC-certified compost operator shall routinely be on-site during the hours of operation.

Adopted November 1, 1995

Effective November 29, 1995

**§332.46. Records Requirements.**

(a) Records. The operator shall maintain records on-site, available for inspection by the commission, for a period consisting of the two most recent calendar years. The records shall consist of the following:

- (1) the facility operating permit obtained from the commission;
- (2) a log of abnormal events at the facility, including but not limited to, process disruptions, extended equipment failures, injuries, and weather damage; and
- (3) results of final product testing required by §332.71(j) of this title (relating to Sampling and Analysis Requirements for Final Product).

(b) Copies. The operator shall maintain copies of the annual report on-site for the five most recent calendar years.

Adopted November 1, 1995

Effective November 29, 1995

**§332.47. Permit Application Preparation.**

To assist the commission in evaluating the technical merits of a compost facility, a site development plan shall be prepared and submitted to the commission along with Compost Form Number 3. The site development plan shall be sealed by a registered professional engineer in accordance with the provisions of 22 TAC §131.138 relating to (Engineers' Seals). If the site development plan is submitted in a three ring binder or in a format that allows the removal or insertion of individual pages, it shall not be considered a bound document. The site development plan shall contain all of the following information.

(1) Title page. A title page shall show the name of the project, the county (and city if applicable) in which the proposed project is located, the name of the applicant, the name of the engineer, the date the application was prepared and the latest date the application was revised.

(2) Table of contents. A table of contents shall be included which lists the main sections of the plan, any requested variances and includes page numbers.

(3) Engineer's appointment. An engineer's appointment which consists of a letter from the applicant to the executive director identifying the consulting engineering firm responsible for the submission of the plan, specifications and any other technical data to be evaluated by the commission regarding the project.

(4) Land use. To assist the executive director in evaluating the impact of the facility on the surrounding area, the applicant shall provide the following:

(A) a description of the zoning at the facility and within one mile of the facility. If the facility requires approval as a nonconforming use or a special use permit from the local government having jurisdiction, a copy of such approval shall be submitted with the application;

(B) a description of the character of the surrounding land uses within one mile of the proposed facility;

(C) proximity to residences and other uses (e.g., schools, churches, cemeteries, historic structures, historic sites, archaeologically significant sites, sites having exceptional aesthetic quality, parks, recreational sites, recreational facilities, licensed day care etc.). Give the approximate number of residences and business establishments within one mile of the proposed facility including the distances and directions to the nearest residences and businesses;

(D) a discussion that shows the facility is compatible with the surrounding land uses; and

(E) a constructed land use map showing the land use, zoning, residences, businesses, schools, churches, cemeteries, historic structures, historic sites, archaeologically significant sites, sites having exceptional aesthetic quality, licensed day care centers, parks, recreational sites and recreational facilities within one mile of the facility and wells within 500 feet of the facility.

(5) Access. To assist the executive director in evaluating the impact of the facility on the surrounding roadway system, the applicant shall provide the following:

(A) Data on the roadways, within one mile of the facility, used to access the facility. The data shall include dimensions, surfacing, general condition, capacity and load limits;

(B) Data on the volume of vehicular traffic on access roads within one mile of the proposed facility. The applicant shall include both existing and projected traffic during the life of the facility (for projected include both traffic generated by the facility and anticipated increase without the facility);

(C) An analysis of the impact the facility will have on the area roadway system, including a discussion on any mitigating measures (turning lanes, roadway improvements, intersection improvements, etc.) proposed with the project; and

(D) An access roadway map showing all area roadways within a mile of the facility. The data and analysis required in subparagraphs (A),(B), and (C) of this paragraph shall be keyed to this map.

(6) Facility development. To assist the executive director in evaluating the impact of the facility on the environment, the applicant shall provide the following.

(A) Surface water protection plan. The surface water protection plan shall be prepared by a registered professional engineer. At a minimum the applicant shall provide all of the following.

(i) Present a design for a run-on control system capable of preventing flow onto the facility during the peak discharge from at least a 25-year, 24-hour rainfall event.

(ii) Present a design for a run-off management system to collect and control at least the peak discharge from the facility generated by a 25-year 24-hour rainfall event.

(iii) Present a design for a contaminated water collection system to collect and contain all leachate. If the design uses leachate for any processing, the applicant shall clearly demonstrate that such use will not result in contamination of the final product.

(iv) Present drainage calculations as follows.

(I) Calculations for areas of 200 acres or less shall follow the rational method as specified in the Texas Department of Transportation Bridge Division Hydraulic Manual.

(II) Calculations for discharges from areas greater than 200 acres shall be computed by using USGS/DHT hydraulic equations compiled by the United States Geological Survey and the Texas Department of Transportation Bridge Division Hydraulic Manual, the HEC-1 and HEC-2 computer programs developed through the Hydrologic Engineering Center of the United States Army Corps of Engineers, or an equivalent or better method approved by the executive director.

(III) Calculations for sizing containment facilities for leachate shall be determined by a mass balance based on the facilities proposed leachate disposal method.

(IV) Temporary and permanent erosion control measures shall be discussed.

(v) Drainage Maps and Drainage Plans shall be provided as follows.

(I) An off-site topographic drainage map showing all areas which contribute to the facilities run-on. The map shall delineate the drainage basins and sub-basins, show the direction of flow, time of concentration, basin area, rainfall intensity and flow rate. This map shall also show all creeks, rivers, intermittent streams, lakes, bayous, bays, estuaries, arroyos, and other surface waters in the state.

(II) A pre-construction on-site drainage map. The map shall delineate the drainage basins and sub-basins, show the direction of flow, time of concentration, basin area, rainfall intensity and flow rate.

(III) A post-construction on-site drainage map. The map shall delineate the drainage basins and sub-basins, show the direction of flow, time of concentration, basin area, rainfall intensity and flow rate.

(IV) A Drainage facilities map. The map shall show all proposed drainage facilities (ditches, ponds, piping, inlets, outfalls, structures, etc.) and design parameters (velocities, cross-section areas, grades, flowline elevations, etc.). Complete cross sections of all ditches and ponds shall be included.

(V) A profile drawing. The drawing shall include profiles of all ditches and pipes. Profiles shall include top of bank, flowline, hydraulic grade and existing groundline. Ditches and swells shall have a minimum of one foot of freeboard.

(VI) A floodplain and wetlands map. The map shall show the location and lateral extent of all floodplains and wetlands on the site and on lands within 500 feet of the site.

(VII) An erosion control map which indicates placement of erosion control features on the site.

(B) Geologic/Hydrogeologic report. The geologic/hydrogeologic report shall be prepared by an engineer or qualified geologist/hydrogeologist. The applicant shall include discussion and information on all of the following:

(i) a description of the regional geology of the area. This section shall include:

(I) a geologic map of the region with text describing the stratigraphy and lithology of the map units. An appropriate section of a published map series such as the Geologic Atlas of Texas prepared by the Bureau of Economic Geology is acceptable;

(II) a description of the generalized stratigraphic column in the facility area from the base of the lowermost aquifer capable of providing usable ground water, or from a depth of 1,000 feet, whichever is less, to the land surface. The geologic age, lithology, variation in lithology, thickness, depth geometry, hydraulic conductivity, and depositional history of each geologic unit should be described based upon available geologic information.

(ii) A description of the geologic processes active in the vicinity of the facility. This description shall include an identification of any faults and/or subsidence in the area of the facility.

(iii) a description of the regional aquifers in the vicinity of the facility based upon published and open-file sources. The section shall provide:

(I) aquifer names and their association with geologic units described in clause (i) of this subparagraph;

(II) a description of the composition of the aquifer(s);

(III) a description of the hydraulic properties of the aquifer(s);



(IV) identification of areas of recharge to the aquifers within five miles of the site; and

(V) the present use of ground water withdrawn from aquifers in the vicinity of the facility.

(iv) Subsurface investigation report. This report shall describe all borings drilled on-site to test soils and characterize ground water and shall include a site map drawn to scale showing the surveyed locations and elevations of the boring. Boring logs shall include a detailed description of materials encountered including any discontinuities such as fractures, fissures, slickensides, lenses, or seams. Each boring shall be presented in the form of a log that contains, at a minimum, the boring number; surface elevation and location coordinates; and a columnar section with text showing the elevation of all contacts between soil and rock layers description of each layer using the Unified Soil Classification, color, degree of compaction and moisture content. A key explaining the symbols used on the boring logs and the classification terminology for soil type, consistency, and structure shall be provided.

(I) A sufficient number of borings shall be performed to establish subsurface stratigraphy and to determine geotechnical properties of the soils and rocks beneath the facility. The number of borings necessary can only be determined after the general characteristics of a site are analyzed and will vary depending on the heterogeneity of subsurface materials. The minimum number of borings required for a site shall be three for sites of five acres or less, for sites larger than five acres the required number of borings shall be three borings plus one boring for each additional five acres or fraction thereof. The boring plan shall be approved by the executive director prior to performing the bores.

(II) Borings shall be sufficiently deep to allow identification of the uppermost aquifer and underlying hydraulically interconnected aquifers. Boring shall penetrate the uppermost aquifer and all deeper hydraulically interconnected aquifers and be deep enough to identify the aquiclude at the lower boundary. All the borings shall be at least thirty feet deeper than the elevation of the deepest excavation on-site and in no case shall be less than thirty feet below the lowest elevation on-site. If no aquifers exist within fifty feet of the elevation of the deepest excavation, at least one test bore shall be drilled to the top of the first perennial aquifer beneath the site. In areas where it can be demonstrated that the uppermost aquifer is more than three hundred feet below the deepest excavation, the applicant shall provide the demonstration to the executive director and the executive director shall have the authority to waive the requirement for the deep bore.

(III) All borings shall be conducted in accordance with established field exploration methods.

(IV) Installation, abandonment, and plugging of the boring shall be in accordance with the rules of the commission.

(V) The applicant shall prepare cross-sections utilizing the information from the boring and depicting the generalized strata at the facility.

(VI) The report shall contain a summary of the investigator's interpretations of the subsurface stratigraphy based upon the field investigation.

(v) Ground water investigation report. This report shall establish and present the ground water flow characteristics at the site which shall include ground water elevation, gradient and direction of flow. The flow characteristics and most likely pathway(s) for pollutant migration shall be discussed in a narrative format and shown graphically on a piezometric contour map. The ground water data shall be collected from piezometers installed at the site. The minimum number of piezometers required for the site shall be three for sites of five acres or less, for sites greater than five acres the total number of piezometer required shall be three piezometer plus one piezometer for each additional five acres or fraction thereof.

(C) Groundwater protection plan. The application shall demonstrate the facility is designed so as not to contaminate the groundwater and so as to protect the existing groundwater quality from degradation. For the purposes of these sections, protection of the groundwater includes the protection of perched water or shallow surface infiltration. As a minimum, groundwater protection shall consist of all of the following:

(i) Liner system. All feedstock receiving, mixing, composting, post-processing, screening and storage areas shall be located on a surface which is adequately lined to control seepage. The lined surface shall be covered with a material designed to withstand normal traffic from the composting operations. At a minimum the lined surface shall consist of soil, synthetic, or an alternative material that is equivalent to two feet of compacted clay with a hydraulic conductivity of  $1 \times 10^{-7}$  centimeters per second or less.

(I) Soil liners shall have more than 30% passing a number 200 sieve, have a liquid limit greater than 30% and a plasticity index greater than 15;

(II) Synthetic liners shall be a membrane with a minimum thickness of 20 mils; or

(III) An alternative design that utilizes an impermeable liner (such as concrete).

(ii) Ground water monitor system. The ground water monitoring system shall be designed and installed such that the system will reasonably assure detection of any contamination of the ground water before it migrates beyond the boundaries of the site. The monitoring system shall be designed based upon the information obtained in the "Ground water investigation report" required by subparagraph (6)(B)(v) of this paragraph.

(I) Details of monitor well construction and placement of monitor wells shall be shown on the site plan;

(II) A groundwater sampling program shall provide four background ground water samples of all monitor wells within 24 months from the date of the issuance of the permit. The background levels shall be established from samples collected from each well at least once during each of the four calendar quarters: January-March; April-June; July-September; and October-December. Samples from any monitor well shall not be collected for at least 45 days following collection of a previous sample, unless a replacement sample is necessary. At least one sample per well shall be collected and

submitted to a laboratory for analysis prior to accepting any material for processing at the facility. Background samples shall be analyzed for the parameters as follows:

(-a-) Heavy metals; arsenic, copper, mercury, barium, iron, selenium, cadmium, lead, chromium, and zinc;

(-b-) Other parameters: calcium, magnesium, sodium, carbonate, bicarbonate, sulphate, fluoride, nitrate (as N), total dissolved solids, phenolphthalein alkalinity as  $\text{CaCo}^3$ , alkalinity as  $\text{CaCo}^3$ , hardness as  $\text{CaCo}^3$ , pH, specific conductance, anion-cation balance, groundwater elevation (MSL), total organic carbon (TOC)(four replicates/sample); and

(-c-) After background values have been determined the following indicators shall be measured at a minimum of 12 month intervals; TOC (four replicates), iron, manganese, pH, chloride, ground water elevation (MSL), and total dissolved solids. After completion of the analysis, a copy shall be sent to the executive director and a copy shall be maintained on-site.

(D) Facility plan and facility layout. The facility plan and facility layout shall be prepared by a registered professional engineer. All proposed facilities, structures and improvements shall be clearly shown and annotated on this drawing. The plan shall be drawn to standard engineering scale. Any necessary details or sections shall be included. As a minimum the plan shall show property boundaries, fencing, internal roadways, tipping area, processing area, post-processing area, facility office, sanitary facilities, potable water facilities, storage areas, etc. If phasing is proposed for the facility, a separate facility plan for each phase is required.

(E) Process description. The process description shall be composed of a descriptive narrative along with a process diagram. The process description shall include all of the following.

(i) Feedstock identification. The applicant shall prepare a list of the materials intended for processing along with the anticipated volume to be processed. This section shall also contain an estimate of the daily quantity of material to be processed at the facility along with a description of the proposed process of screening for unauthorized materials.

(ii) Tipping process. Indicate what happens to the feedstock material from the point it enters the gate. Indicate how the material is handled in the tipping area, how long it remains in the tipping area, what equipment is used, how the material is evacuated from the tipping area, at what interval the tipping area is cleaned, the process used to clean the tipping area.

(iii) Process. Indicate what happens to the material as it leaves the tipping area. Indicate how the material is incorporated into the process and what process or processes are used until it goes to the post-processing area. The narrative shall include, water addition, processing rates, equipment, energy and mass balance calculations, and process monitoring method.

(iv) Post-processing. Provide a complete narrative on the post-processing, include post-processing times, identification and segregation of product, storage of product, quality assurance and quality control.

(v) Product distribution. Provide a complete narrative on product distribution to include items such as: end product quantities, qualities, intended use, packaging, labeling, loading, and tracking bulk material.

(vi) Process diagram. Present a process diagram that displays graphically, the narrative generated in response to clauses (i)-(v) of this subparagraph.

(7) Site operating plan. This document is to provide guidance from the design engineer to site management and operating personnel in sufficient detail to enable them to conduct day to day operations in a manner consistent with the engineers design. As a minimum, the site operating plan shall include specific guidance or instructions on the all of the following:

(A) the minimum number of personnel and their functions to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards;

(B) the minimum number and operational capacity of each type of equipment to be provided by the site operator in order to have adequate capability to conduct the operation in conformance with the design and operational standards;

(C) security, site access control, traffic control and safety;

(D) control of dumping within designated areas, screening for unprocessable or unauthorized material;

(E) fire prevention and control plan that shall comply with provisions of the local fire code, provision for fire-fighting equipment, and special training requirements for fire fighting personnel;

(F) control of windblown material;

(G) vector control;

(H) quality assurance and quality control. As a minimum the applicant shall provide testing and assurance in accordance with the provisions of §332.71 of this title (relating to Sampling and Analysis Requirements for Final Product);

(I) control of airborne emissions;

(J) minimizing odors;

(K) equipment failures and alternative disposal and storage plans in the event of equipment failure; and

(L) a description of the intended final use of materials.

(8) Legal description of the facility. The applicant shall submit an official metes and bounds description, and plat of the proposed facility. The description and plat shall be prepared and sealed by a registered surveyor.

(9) Financial assurance. The applicant shall prepare a closure plan acceptable to the executive director and provide evidence of financial assurance to the commission for the cost of closure. The closure plan at a minimum shall include evacuation of all material on-site (feedstock, in process and processed) to an authorized facility and disinfection of all leachate handling facilities, tipping area, processing area and post-processing area and shall be based on the worst case closure scenario for the facility, including the assumption that all storage and processing areas are filled to capacity. The financial assurance may be demonstrated by using one or more of the following mechanisms: trust funds, surety bonds, letters of credit, insurance, financial test and corporate guarantee. These mechanisms shall be prepared on forms approved by the executive director and shall be submitted to the commission 60 days prior to the receiving of any materials for processing. Financial assurance mechanisms prepared are subject to the requirements of Chapter 37 of this title (relating to Financial Assurance).

(10) Source-separated recycling and household hazardous waste collection. The applicant shall submit a plan to comply with the requirements of Subchapters E and F of this title (relating to Source-Separated Recycling; and Household Hazardous Waste Collection).

(11) Landowner list. The applicant shall include a list of landowners, residents, and businesses within one half mile of the facility boundaries along with an appropriately scaled map locating property owned by the landowners.

Adopted December 4, 1996

Effective December 30, 1996